

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
UNITED STATES OF AMERICA, : 15-cr-00081-CBA-5
:
- versus - : U.S. Courthouse
: Brooklyn, New York
HENRY POVEDA, :
also known as "Calvo", : January 14, 2016
Defendant :
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

For the Government:

Robert L. Capers, Esq.
United States Attorney

BY: **Ameet B. Kabrawala, Esq.**
Assistant U.S. Attorney
271 Cadman Plaza East
Brooklyn, New York 11201

For the Defendant:

Mia Eisner-Grynberg, Esq.
Federal Defenders of NY
One Pierrepont Plaza
16th Floor
Brooklyn, NY 11201

Transcription Service:

Transcriptions Plus II, Inc.
61 Beatrice Avenue
West Islip, NY 11729
laferrara44@gmail.com

Proceedings recorded by electronic sound-recording,
transcript produced by transcription service

Proceedings

1 THE CLERK: Criminal Cause for Pleading, docket
2 number 15-cr-81, United States of America v. Henry
3 Poveda.

4 Counsel please state your appearances, starting
5 with the government.

6 MR. KABRAWALA: Good afternoon, your Honor.

7 Ameet Kabrawala for the United States.

8 MS. EISNER-GRYNBERG: Fedearl Defenders by Mia
9 Eisner-Grynberg for Henry Poveda, who is to my right.
10 Good afternoon.

11 THE COURT: Good afternoon, counselors. Good
12 afternoon, Mr. Poveda.

13 THE DEFENDANT: Good afternoon, your Honor.

14 THE COURT: Interpreter, could you please state
15 your name for the record?

16 THE INTERPRETER: Federally certified Spanish
17 interpreter Mario Michelena.
18 (INTERPRETER SWORN)

19 THE COURT: Ms. Eisner-Grynberg, I understand
20 that your client is prepared to indictment in this matter
21 pursuant to a written plea agreement.

22 MS. EISNER-GRYNBERG: Yes, that's correct.

23 THE COURT: Mr. Poveda, as you may know, your
24 case has been assigned to Chief Judge Carol Amon and
25 she's the district judge whether (sic) to accept your

Proceedings

1 guilty pleas in this case, and she will decide whether to
2 accept your guilty plea and if she does, she will be the
3 judge who will sentence you.

4 You have the absolute right to have
5 Judge Amon listen to your plea and if you choose to do
6 so, that will be without any prejudice to you.

7 Do you understand?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: I understand that Judge Amon has
10 referred your guilty plea to me and I have in my hand a
11 form entitled, "Consent To Proceed Before a United States
12 Magistrate Judge."

13 Have you had an opportunity to review this
14 consent form with the assistance of an interpreter?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: And have you discussed this consent
17 form with your attorney fully?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Is this your signature on the first
20 signature line in the middle of the page above the word
21 defendant?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Now this form says you consent to
24 having me hear your plea and you do so voluntarily, after
25 full consultation with counsel.

Proceedings

1 Is that correct?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Now as mentioned at the beginning
4 of this proceeding, I understand that you wish to plead
5 guilty to the charge in the indictment and that's the
6 document that sets forth the criminal charge that has
7 been brought against you.

8 Since this court must be certain that you
9 understand the rights and the consequences of your plea,
10 I will ask you certain -- explain certain matters and ask
11 you questions. If I say anything you don't understand,
12 please say so and I will reword.

13 Is that clear?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: First, I am going to ask you to
16 take an oath.

17 H E N R Y P O V E D A ,

18 called as a witness, having been first duly sworn,
19 was examined and testified as follows:

20 THE CLERK: Please state your name for the
21 record.

22 THE DEFENDANT: Henry Poveda Sabogar (ph.).

23 THE CLERK: Thank you. Have a seat.

24 THE COURT: Mr. Poveda, you have just taken an
25 oath to tell the truth. Do you understand that if you

Proceedings

1 answer any of my questions falsely, your answers could
2 later be used against you in another criminal prosecution
3 for perjury or for making a false statement?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: How old are you?

6 THE DEFENDANT: 49 years old.

7 THE COURT: What schooling or education have
8 you had?

9 THE DEFENDANT: College Education, Systems
10 Engineering.

11 THE COURT: Have you had any difficulty with
12 your lawyer either directly or through an interpreter?

13 THE DEFENDANT: No, your Honor.

14 THE COURT: Ms. Grynberg, have you had any
15 problems communicating with your client?

16 MS. EISNER-GRYNBERG: No, none.

17 THE COURT: Mr. Poveda, are you presently or
18 have you recently been under the care of a doctor or a
19 psychiatrist?

20 THE DEFENDANT: No, your Honor.

21 THE COURT: Have you ever been hospitalized or
22 treated for any mental illness or for addiction to drugs,
23 alcohol, or any other substance?

24 THE DEFENDANT: No, your Honor, never.

25 THE COURT: In the past 24 hours, have you

Proceedings

1 taken any drugs, pills or medicine of any kind?

2 THE DEFENDANT: No, your Honor.

3 THE COURT: Have you drunk any alcoholic
4 beverages?

5 THE DEFENDANT: No, your Honor.

6 THE COURT: Is your mind clear today?

7 THE DEFENDANT: Completely, your Honor. Yes,
8 your Honor.

9 THE COURT: And do you understand the nature of
10 these proceedings?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: And I note for the record, that Mr.
13 Poveda has been quite alert and very responsive to my
14 questions.

15 Ms. Grynberg, have you discussed the question
16 of a guilty plea with your client?

17 MS. EISNER-GRYNBERG: Yes, I have.

18 THE COURT: In your view, does he understand
19 the rights he would be waiving by pleading guilty?

20 MS. EISNER-GRYNBERG: Yes, he does.

21 THE COURT: Is he capable of understanding the
22 nature of these proceedings?

23 MS. EISNER-GRYNBERG: Yes, he is.

24 THE COURT: Do you have any doubts as to his
25 competency to proceed today?

Proceedings

1 MS. EISNER-GRYNBERG: I have no doubts.

2 THE COURT: Have you advised him of the
3 penalties that can be imposed and discussed the
4 applicable sentencing considerations, including the
5 sentencing guidelines?

6 MS. EISNER-GRYNBERG: Yes, I have.

7 THE COURT: Mr. Poveda, have you had a full
8 opportunity to discuss your case with your attorney?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Are you satisfied with your
11 attorney and the assistance she's given you thus far in
12 this matter?

13 THE DEFENDANT: Very satisfied, your Honor.

14 THE COURT: I am holding in my hand a copy of
15 the indictment. As I've said, this is the document that
16 sets forth the criminal charge that has been brought
17 against you and various other individuals, and thus far,
18 there are two other individuals disclosed in the
19 indictment of this matter. The indictment bears the
20 docket number 15-cr-81.

21 This indictment contains introductory
22 paragraphs discussing money laundering operations used by
23 drug trafficking organizations and specifically, it
24 discusses the black market peso exchange and it discusses
25 means in which a black market peso exchange broker will

Proceedings

1 offer to importers in South America, an opportunity to
2 pay a debt owed to a foreign exporter at a significant
3 discount.

4 And through the various means further described
5 in the prefatory paragraphs, the indictment discusses how
6 a black market peso exchange broker can assist in the
7 laundering of proceeds -- narcotics proceeds.

8 Have you discussed those allegations in the
9 introduction of the indictment with your attorney?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: And specifically, the indictment
12 describes what is an operation called "The Guangzhou
13 Enterprise," that is alleged to have laundered billions
14 of United States dollars derived from narcotics
15 trafficking and it described that The Guangzhou
16 Enterprise typically arranges to pay Colombia pesos to
17 drug traffickers in exchange for the U.S. dollars of the
18 drug traffickers.

19 And it further describes the measures taken by
20 The Guangzhou Enterprise to help purchase and ship goods
21 from China to Colombia and elsewhere. And in paragraph
22 11 of the prefatory introductory paragraphs, it states
23 that you and two other named individuals, as well as
24 various other individuals whose names are not disclosed,
25 were the leaders of The Guangzhou Enterprise.

Proceedings

1 Now the indictment sets forth one count which
2 is a -- and that charge is a conspiracy to launder money
3 and the conspiracy to alleged to have operated between
4 January 1st, 2004 and December 31st, 2014 and the
5 conspiracy is a money laundering conspiracy and it
6 describes three types of activities undertaken to launder
7 money. And one activity -- the first activity described
8 is to conduct one or more financial transactions, which
9 affect interstate commerce and the transactions are
10 alleged to involve the proceeds of narcotics trafficking.

11 And with respect to this activity, it's alleged
12 that the named defendants, including you, knew that the
13 property involved with the transactions represented the
14 proceeds of unlawful activity and that you engaged in
15 this money laundering conspiracy with the intent to
16 promote the carrying on of the unspecified unlawful
17 activity and you know that the transactions were designed
18 to disguise the nature, location, the source, ownership
19 and control of the proceeds of the unlawful activity,
20 contrary to the United States Code.

21 Do you understand that charge?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: And the second type of money
24 laundering activity that's alleged and again, that
25 activity was alleged to be conducted with the intent to

Proceedings

1 promote the unlawful activity with the knowledge that the
2 activity represented proceeds of unlawful activity and
3 were designed to disguise this -- transactions involved,
4 the sources.

5 Now the second activity that was part of this
6 money laundering conspiracy was -- involved the
7 transport, transmission, and transfer of monetary
8 instruments and funds from the United States to one or
9 more places outside the United States and specifically,
10 Hong Kong and China.

11 And as I said, this was done with the intent to
12 carry on the narcotics trafficking conspiracy and that it
13 was done with the knowledge that the monetary instruments
14 and funds represented proceeds of the unlawful activity
15 and the transactions involved were designed to avoid
16 transaction reporting requirements under federal law.

17 Do you understand that charge regarding the
18 transportation and transmission of monetary instruments
19 of funds?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: And the third type of unlawful
22 money laundering activity is alleged to consist of one or
23 more financial transactions involving the transfer and
24 delivery of United States currency which involved
25 property representing the proceeds of unlawful activity.

Proceedings

1 And specifically again, narcotics trafficking and you're
2 alleged to have done so with the intent to promote the
3 carrying on of the activity and knew that the
4 transactions were designed to conceal and disguise the
5 location, source, ownership and control of the proceeds
6 involved.

7 Do you understand that conduct?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: And as I said, the charge involves
10 a conspiracy and I just want you to know that a
11 conspiracy is an agreement to commit an unlawful act.
12 The three activities in which proceeds of narcotics
13 trafficking are alleged to have been laundered were the
14 object of the conspiracy and you're alleged to have
15 knowingly entered into this conspiracy with various other
16 individuals.

17 So do you understand the total conspiracy
18 charge against you involving the different types of money
19 laundering?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Then I will describe to you your
22 right to a trial and what rights you would be waiving by
23 pleading guilty to the charge in the indictment.

24 The first and most important thing you must
25 understand is that you have a right to plead not guilty

Proceedings

1 to the charge and to persist in your plea.

2 Under the Constitution and laws of the United
3 States, you would then have a right to a speedy and
4 public trial before a jury with the assistance of your
5 attorney and if you cannot afford an attorney, the Court
6 will appoint one for you, as has happened in this case.

7 Under our laws, you are presumed to be innocent
8 and would not have to prove that you were innocent. At
9 trial, the burden would be on the government to prove
10 beyond a reasonable doubt that you are guilty of the
11 crime charged.

12 In order to prove you guilty of the crime
13 charged, the government would have to prove beyond a
14 reasonable doubt, each and every element of the charge.
15 So, the government would have to prove that you entered
16 into a conspiracy, that you did so on the dates alleged,
17 you did so knowingly, and that the conspiracy involved
18 the three types of activities that I described earlier.
19 And each part of that charge has to be proven beyond a
20 reasonable doubt. If the government fails to present
21 sufficient evidence, the jury would have the duty to find
22 you not guilty.

23 Do you understand?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: In the course of a trial, witnesses

Proceedings

1 for the government would have to come to court and
2 testify in your presence. Your lawyer would have the
3 right to cross-examine these witnesses and to object to
4 other evidence offered by the government. You also have
5 the right to offer testimony and other evidence in your
6 behalf and to compel the attendance of witnesses.

7 Do you understand?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Although you have the right to
10 testify at a trial, you cannot be compelled to testify
11 and incriminate yourself. If you decided not to testify,
12 the Court would instruct the jury they could not hold
13 that against you.

14 Do you understand?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: If you plead guilty, I will ask you
17 questions about what you did in order to satisfy myself
18 that you are guilty of the charge to which you seek to
19 plead guilty. And you'll have to answer my questions and
20 acknowledge your guilt.

21 Thus, you'll be giving up the right that I've
22 just described; that is, the right not to say anything
23 that would show you're guilty of the crime with which
24 you're charged.

25 Do you understand?

Proceedings

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: If you plead guilty and the Court
3 accepts your guilty plea, you'll be giving up your right
4 to a trial and all the other rights I've just discussed.
5 There will be no trial and the Court will simply enter a
6 judgment of guilty based on your plea.

7 Do you understand?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Are you willing to give up your
10 right to a trial and the other rights I've discussed with
11 you?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: I understand that you've entered
14 into a written agreement with respect to your guilty
15 plea. And I have a plea agreement, an eleven-page plea
16 agreement that has been marked Court Exhibit 1. I would
17 like you to take a look at Court Exhibit 1.

18 Have you had the opportunity to read this plea
19 agreement in its entirety with the assistance of an
20 interpreter?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: Is that your signature on page 11
23 of the agreement?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Did you discuss this agreement

Proceedings

1 fully with Ms. Grynberg, your attorney?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: This agreement provides that you
4 will plead guilty to the one count indictment of this
5 matter. It sets forth various sentencing considerations,
6 as well as other terms with respect to your plea and the
7 charge.

8 Do you understand each and every provision of
9 this written agreement?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Does the plea agreement as written,
12 fully and accurately reflect your understanding of the
13 agreement that you've entered into with the government?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Other than the promises contained
16 in this written agreement, has anyone made any other
17 promises that have caused you to plead guilty?

18 THE DEFENDANT: No, your Honor.

19 THE COURT: Has anyone made any promises as to
20 what your sentence will be?

21 THE DEFENDANT: No, not at all.

22 THE COURT: Then I would like you to discuss
23 the -- discuss with you the consequences of pleading
24 guilty. The statute you're accused of violating in the
25 indictment provides for a term of imprisonment from zero

Proceedings

1 to twenty years.

2 In determining what sentence to impose within
3 the statutory range, Judge Amon will consider the
4 guidelines issued by the United States Sentencing
5 Commission and the other factors specified by Section
6 3553(a) of the United States Criminal Code in determining
7 whether to impose a sentence within the guideline range.

8 The other factors she will consider include the
9 nature and circumstances of the crime committed, your
10 characteristics and criminal history and the public
11 interest in your sentence.

12 Prior to sentencing, the Court will receive a
13 presentence report containing information about these
14 factors and the guidelines. You and your lawyer will
15 have the opportunity to see that report and to speak on
16 your behalf at sentencing.

17 Do you understand?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Have you and your attorney talked
20 about how the sentencing guidelines might apply in this
21 case?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Now under the plea agreement, you
24 have agreed that your guidelines sentence should be
25 calculated based on laundered funds -- based on the value

Proceedings

1 of laundered funds equal to \$8 million.

2 And you have stipulated that you knew or
3 believed that the laundered funds were the proceeds of or
4 were intended to promote an offense involving the
5 manufacture, importation, or distribution of a controlled
6 substance.

7 And you have also stipulated that you agreed
8 that you were in the business of laundering funds. And
9 by making these agreements in the plea agreement you
10 signed, these stipulations will be important
11 considerations in the calculation of your guidelines
12 range.

13 Do you understand that?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: And you have specifically waived
16 your right to a jury trial or Fatico hearing on any of
17 these issues.

18 Now as the plea agreement makes clear, the
19 sentencing guidelines are advisory. However, Judge Amon
20 will consider the guidelines. So, I am going to ask the
21 attorneys here to give me their best estimate of the
22 likely guideline range.

23 MR. KABRAWALA: Your Honor, the government
24 presently estimates that the defendant's advisory
25 guidelines range would effectively be 240 months which is

Proceedings

1 the statutory maximum penalty authorized under Title 18
2 USC 1956. And so, that is the government's estimate at
3 this time.

4 MS. EISNER-GRYNBERG: I agree with the
5 calculation.

6 THE COURT: Now keep in mind that they are
7 estimates and sometimes even though the attorneys agree
8 at a plea, the actual guidelines range calculation by the
9 Court may be different since the estimates -- the basis
10 for the estimates might change if new facts are obtained
11 or they could simply be wrong.

12 Until a presentence report is prepared and the
13 Court hears from you, your lawyer and the government
14 attorney at sentencing, we will not know with certainty
15 what the guidelines will be nor will we know whether
16 there will be grounds for the Court to depart from them
17 or whether the Court will impose a non-guideline
18 sentence.

19 Do you understand?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: The only thing that's clear is any
22 sentence that's imposed on you will be subject to the
23 statutory maximum of twenty years.

24 Now in addition -- I want you to understand
25 that at sentencing, any recommendation made by you or

Proceedings

1 your attorney, even if it's not opposed by the government
2 is simply a recommendation and could be rejected by the
3 Court.

4 Do you understand that?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: So if your sentence is higher than
7 recommended or expected by you, you will not be able to
8 withdraw your guilty plea.

9 Is that clear?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: In addition to imprisonment, you
12 will be sentenced to supervised release. Supervised
13 release means that after you're released from prison
14 there may be many restrictions placed on your liberty
15 such as travel limitations, reporting requirements to a
16 probation officer, prohibitions on carrying guns and the
17 like. And if you are removed from the United States as
18 is further discussed in your plea agreement, a condition
19 of supervised release could be that you not reenter the
20 United States.

21 Do you understand the nature of supervised
22 release?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: The applicable statutes provide
25 that you could be subject to a supervised release term of

Proceedings

1 up to five years.

2 What's important to keep in mind is that if you
3 violate the conditions of supervised release, you could
4 be returned to prison for up to three years even if the
5 violation occurs close to the end of the supervised
6 period. That means that if you don't follow the
7 conditions of supervised release, your prison term could
8 be substantially lengthened.

9 Do you understand?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: You could also be subject to a
12 monetary fine of up to \$500,000 or twice the value of the
13 property involved in the money laundering transactions.

14 Do you have an estimate on that amount?

15 MR. KABRAWALA: At this time, Judge, the
16 government would estimate conservatively, that a fine
17 under that scheme would be twice the amount of the
18 stipulated --

19 THE COURT: Forfeiture?

20 MR. KABRAWALA: -- forfeiture amount which
21 would be \$16 million.

22 THE COURT: Okay.

23 Now we'll then discuss that forfeiture is a
24 consequences of pleading guilty and as set forth in
25 paragraphs 6 through 13 of your plea agreement, you have

Proceedings

1 agreed to entry of a forfeiture money judgment of \$8
2 million. And in the agreement, you have agreed to make
3 payment by sentencing and if you don't pay that amount,
4 interest could accrue on that amount. That amount is an
5 amount that will be imposed upon you jointly and
6 severally together with any monetary judgments imposed
7 against any other co-conspirator.

8 Do you understand that?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: And you've made other promises with
11 respect to the forfeiture money judgment including your
12 waiving your right to requisite notice and assisting in
13 the collection of the forfeiture money judgment.

14 Now in addition to the forfeiture money
15 judgment, you will have to pay a \$100 special assessment.

16 Now as I mentioned earlier, you will be subject
17 to removal as discussed more fully in paragraph 19 of
18 your agreement and you have acknowledged in that
19 paragraph that there will be serious immigration
20 consequences as a result of a conviction for the charge
21 in the indictment if you're not a citizen of the United
22 States.

23 And you have agreed that you have acknowledged
24 that by pleading guilty to the charge in the indictment,
25 you will be subject to removal because it is

Proceedings

1 presumptively mandatory.

2 Do you understand that?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: And I want you to understand that
5 if you're removed from the United States, you will be
6 denied any efforts to apply for citizenship or
7 readmission to the United States in the future.

8 If after you're sentenced, you or your attorney
9 think that the Court has not followed the law in
10 sentencing you, you ordinarily have the right to appeal
11 your sentence to a higher court. However, under the plea
12 agreement you signed, you have substantially limited your
13 right of appeal and agreed not to file any appeal or
14 otherwise challenge your conviction if the Court
15 sentences you to a term of imprisonment of 240 months or
16 less.

17 Do you understand that?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Do you have any questions you would
20 like to ask me about the charge, your rights or anything
21 else relating to this matter?

22 THE DEFENDANT: No, your Honor.

23 THE COURT: Is everything clear to you?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Ms. Grynberg, do you know of any

Proceedings

1 reason why your client should not enter a plea of guilty
2 to the charge?

3 MS. EISNER-GRYNBERG: No.

4 THE COURT: Are you aware of any viable legal
5 defense?

6 MS. EISNER-GRYNBERG: No.

7 THE COURT: Mr. Poveda, are you ready to plead?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: How do you plead to the charge
10 contained in the indictment, guilty or not guilty?

11 THE DEFENDANT: Guilty, your Honor.

12 THE COURT: Are you making your plea of guilty
13 voluntarily and of your own free will?

14 THE DEFENDANT: Voluntarily, your Honor.

15 THE COURT: Has anyone threatened or forced you
16 to plead guilty?

17 THE DEFENDANT: No, your Honor.

18 THE COURT: Other than the written agreement
19 marked Court Exhibit 1 that we discussed earlier, has
20 anyone made you any promise that caused you to plead
21 guilty?

22 THE DEFENDANT: No, your Honor.

23 THE COURT: Has anyone made you any promise
24 about the sentence you will receive?

25 THE DEFENDANT: Not at all, your Honor.

Proceedings

1 THE COURT: Then I would like you to describe
2 briefly what you did in connection with the crime charged
3 in the indictment.

4 THE DEFENDANT: Good afternoon, your Honor.

5 I am guilty of cooperating in this money
6 laundering for this money that was received from drug
7 trafficking. I knew that it was money that was coming
8 from drug trafficking. And I helped out, to carry these
9 instructions from the moment I received the money until
10 my boss got paid.

11 THE COURT: And as a result, what did you do in
12 connection to your laundering the money? Did you engage
13 in certain in certain financial transactions?

14 THE DEFENDANT: I helped providing certain bank
15 accounts in order to launder the money and help also
16 given the proceeds in cash to the clients and then the
17 clients would send some merchandise down to Colombia.

18 THE COURT: And you said you provided bank
19 accounts for the deposit of the proceeds of narcotics
20 activity?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: And you also said that you provided
23 cash that would be transported.

24 THE DEFENDANT: Excuse me?

25 THE COURT: Did you provide cash or currency?

Proceedings

1 THE DEFENDANT: Yes.

2 THE COURT: In connection with -- that
3 represented proceeds of narcotics trafficking?

4 THE DEFENDANT: That's right, your Honor.

5 THE COURT: And then what happened to those
6 proceeds?

7 THE DEFENDANT: I would receive it. I would
8 sell it to the people who were traveling to China and
9 then pay for it in Colombia.

10 THE COURT: And when did these activities take
11 place?

12 THE DEFENDANT: 2003, the last three years.

13 MR. KABRAWALA: Could the Court clarify?

14 THE COURT: Did these money laundering
15 activities occur between January 1st, 2004 and December
16 31st, 2014?

17 THE DEFENDANT: That's right, your Honor.

18 THE COURT: And did you know that the
19 transactions that you've described were designed in whole
20 or in part to conceal and disguise the nature of the
21 proceeds or -- that is to disguise the fact that the
22 proceeds -- the cash involved were proceeds of narcotics
23 trafficking activity?

24 THE DEFENDANT: Yes, your Honor, I was aware of
25 that.

Proceedings

1 THE COURT: And you had mentioned you engaged
2 in these transactions with somebody else?

3 THE DEFENDANT: Yes, your Honor. I
4 participated because my duty was to give the money to the
5 owner of this money in Colombia. I was responsible for
6 that.

7 THE COURT: Okay. And I will ask Mr. Kabrawala
8 to explain the connection to this district.

9 MR. KABRAWALA: Sure. First off, Judge, we
10 believe that the Court has satisfied all the elements of
11 the offense of money laundering conspiracy. The
12 government would prove at trial that the defendant
13 permitted or actually gave access to one of his many bank
14 accounts in Hong Kong and that among other transactions,
15 there was one in particular that was represented to be
16 drug proceeds and those drug proceeds actually were
17 deposited into a bank account in Brooklyn.

18 I should say that the monies represented to be
19 drug proceeds were deposited into a bank account in
20 Brooklyn and that -- those drug proceeds were wire
21 transferred from that bank account in Brooklyn to a bank
22 account that Mr. Poveda had given to co-conspirators to
23 conceal or disguise drug proceeds.

24 THE COURT: Did you understand what Mr.
25 Kabrawala described?

Proceedings

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Is that correct?

3 THE DEFENDANT: Your Honor, I was aware that
4 the money was illegal money and that it came from drugs
5 but in terms of where exactly from, I wasn't sure.

6 THE COURT: Okay.

7 MR. KABRAWALA: That's satisfactory.

8 THE COURT: That's fine. Okay.

9 MR. KABRAWALA: And I will take it the defense
10 does not object -- does not contest the government's
11 proffer, what it would be able to prove as to venue,
12 which of course is not an element of the mens rea.

13 MS. EISNER-GRYNBERG: No objection.

14 THE COURT: Do you understand what was just
15 said?

16 THE DEFENDANT: Yes, that's right, your Honor.

17 THE COURT: Okay. Then based on the
18 information given to me, I find that Mr. Poveda is acting
19 voluntarily, that he fully understands the charge, his
20 rights and the consequences of his plea and that there is
21 a factual basis for his plea.

22 I, therefore, recommend to Judge Amon to accept
23 Mr. Poveda's plea of guilty to the charge in the
24 indictment.

25 Has there been a sentencing date set?

Proceedings

1 THE CLERK: Chief Judge Amon sets May 5th at 10
2 o'clock for sentencing. She also sets the following
3 deadline: The presentence investigation report is to be
4 disclosed by April 7th, 2016. Defendant's sentencing
5 submission will be due April 21st, 2016. The
6 government's response will be due April 28th, 2016.

7 THE COURT: Okay.

8 MR. KABRAWALA: Thank you, Judge.

9 MS. EISNER-GRYNBERG: Thank you.

10 THE DEFENDANT: Thank you, your Honor.

11 THE COURT: Thank you.

12 (Matter concluded)

13 -oOo-

C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 19th day of April, 2016.


Linda Ferrara

CET**D 656
Transcriptions Plus II, Inc.